

PR Dk 92-80

RESPONSE TO FCC "REQUEST FOR COMMENT"

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

JUN -9 1992

RECEIVED  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

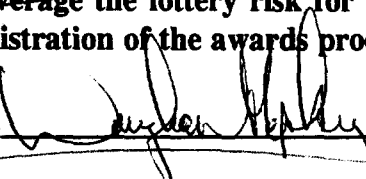
ORIGINAL

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a bias that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on **equal-footing** with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed



Date

6/01/92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED

JUN 29 1992

ORIGINAL FILE

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be of **mutual interest** to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant:

Signed

*Knobloch Crutcher Partnership*  
*Ann Knobloch*

Date

*5/31/92*

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED  
JUN - 9 1992

ORIGINAL  
FILE

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology **could be a viable candidate** to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "**preference credits**" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed

*[Signature]*

Date

5/29/92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

- RECEIVED**  
JUN - 9 1992  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY
- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that competition is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include complex engineering, technical specifications, interference analysis, legal data and financial certification to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually unconstitutional! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed

Marionell Bremer

Date

6/1/92

92-80

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED  
JUN 29 1992  
FILE  
ORIGINAL

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology ~~could be used by a candidate to~~ foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed Kathy Elliott

Date 5-29-92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED

JUN - 9 1992

ORIGINAL FILE

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology is a better approach to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed

*W. B. Smith Jr.*  
1100 Timberland Dr Marietta, GA. 30067

Date

5-29-92

RESPONSE TO FCC "REQUEST FOR COMMENT"

92-80

Pursuant to the FCC's 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED

ORIGINAL FILE

JUN 9 1992

FEDERAL COMMUNICATIONS COMMISSION

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. **Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.**
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed

Date

5/29/92



PR 92-80

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

JUN - 9 1992

ORIGINAL  
FILED

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed [Signature]

Date 5/29/92



92-80

Pursuant to the FCC's April 9th "request for comment on proposals to speed process for MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

ORIGINAL  
FILE

RECEIVED

JUN - 9 1992

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding preference credits that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Gatley H. Howard

Date 6-2-92

RESPONSE TO FCC "REQUEST FOR COMMENT" PR ~~92-80~~

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

ORIGINAL  
FILE

RECEIVED

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection" process in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. **Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.**
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed

Benjamin Chiles

Date

6-1-92

# RESPONSE TO FCC "REQUEST FOR COMMENT"

PN 72-8

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

ORIGINAL  
FILE

RECEIVED

JUN - 9 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed Maurice R. Egan

Date 6-2-92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

CONSUMER ASSISTANCE  
DIVISION  
JUN 9 4 29 PM '92

ORIGINAL  
FILE

RECEIVED RECEIVED

JUN 8 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a **sincere** posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Edward J. Moore

Date 30 May 1992

## RESPONSE TO FCC "REQUEST FOR COMMENT"

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to the consideration of a retroactive rule change that would apply to "settlement groups".

- ORIGINAL FILE  
JUN 3 4 30 PM '92  
RECEIVED  
JUN - 9 1992  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY
- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.
  - (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
  - (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
  - (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
  - (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Steve Struth

Date 5/30/92

Pursuant to the FCC's April 9th "request for ~~comment~~ <sup>CONSUMER / FINANCE</sup> on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

ORIGINAL  
FILE

- RECEIVED
- JUN - 9 1992
- FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY
- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.
  - (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
  - (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
  - (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
  - (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a **sincere** posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed James J. Brooke, III Date 5-30-92

# RESPONSE TO FCC "REQUEST FOR COMMENT" *PR 9280*

CONSUMER ASSIST  
AND SMALL BUSINESS DIVISION

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to consideration of a retroactive rule change that would apply to "settlement groups".

ORIGINAL  
FILE

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

RECEIVED

JUN - 9 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed

*Carolee Lawson*

Date

*5/31/92*



# RESPONSE TO FCC "REQUEST FOR COMMENT"

PR 92-80

Pursuant to the FCC's April 9th *"request for comment on proposals to speed processing of MMDS applications"*, I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to consideration of a retroactive rule change that would apply to "settlement groups".

CONSUMER ASSISTANCE  
BUSINESS  
AND  
DIVISION  
JUN 3 1 30 PM '92

ORIGINAL  
FILE

(a) As an adjunct to the efforts of Congress to regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.

RECEIVED

(b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.

JUN - 9 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

(c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".

(d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.

(e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

(f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed R. Phillip Whigham Date 6-1-92

# RESPONSE TO FCC "REQUEST FOR COMMENT"

PR 92-80

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would **attract** qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "**preference credits**" that would attract ordinary American citizens to the licensing process by crediting **extra** ping pong balls to minority applicants or applicants that do **not** own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could **not** qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "**settlement groups**", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a **sincere** posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Howard E. Lowe

Date 5-29-92

PR 92-80

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to a consideration of a retroactive rule change that would apply to "settlement groups".

CONSUMER ASSIST  
DIVISION  
JUN 3 4 31 PM '92

ORIGINAL  
FILE

RECEIVED

(a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.

JUN - 9 1992

(b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

(c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "**preference credits**" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".

(d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.

(e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "**preference credits**" and **alliance strategies** that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

(f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed

*Murray S. Levy*

Date

6-1-92

PR 72-80

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC's rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

JUN 3 4 31 PM '92

ORIGINAL FILE

RECEIVED

JUN - 9 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a **sincere** posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed

*Charles Whitton*

Date

*5/31/92*

PR Dk 92-80  
RESPONSE TO FCC "REQUEST FOR COMMENT"

RECEIVED

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influence my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

JUN 9 1992  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
ORIGINAL FILE

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. **Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.**
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Howard A. Guershan

Date 5/29/92

PRDK 92-80

## RESPONSE TO FCC "REQUEST FOR COMMENT"

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

ORIGINAL  
FILE

RECEIVED

JUN - 9 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

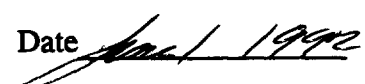
Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually unconstitutional! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed



Date



Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

ORIGINAL  
FILE

RECEIVED

JUN - 9 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. **Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.**
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Red BushDate 6-1-92



*Dear Mr. Barrett*

RESPONSE TO FCC "REQUEST FOR COMMENT"

PR DK 92-80

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

ORIGINAL  
FILE

RECEIVED

JUN - 9 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant:

Signed

*Daniel Schaefer*

Date

*June 1st 1992*

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

ORIGINAL  
FILE

RECEIVED

JUN - 9 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and **alliance strategies that made these risks acceptable**. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed William F. Thompson Date 6/2/92

PR DK 92-80

RESPONSE TO FCC "REQUEST FOR COMMENT"

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

ORIGINAL  
FILE

RECEIVED

JUN - 9 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Maurice Rapkin Ph.D.

Date 5/30/92